

REMARKS**CLAIMS:**

Claims 1-39 are pending in the application. All of the original claims 1-13 have been rejected. Claims 1-13 have been amended as indicated above. Dependent claims 14-39 are new. Only claims 1 and 8 are independent.

CLAIM REJECTIONS UNDER 35 U.S.C. §§102 AND 103:

Original claims 1 and 3-13 have been rejected under 35 U.S.C. 102(b) as being anticipated by McNamara et al. (U.S. Patent 5,805,458). Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over McNamara et al. in view of Young (U.S. Patent 5,721,659).

McNamara et al. teach a system where "The host computer is able to forecast trends and predict when demand will exceed supply, thus allowing corrective action to be taken." (col 2, lines 53-55) Thus, McNamara describes a system where controlling of demand is accomplished only on the basis of a prediction for demand exceeding supply. McNamara is not time-forecast dependent or cost-forecast dependent but, merely controls on a single determination: supply/demand unit imbalance.

In the present invention, independent claims 1 and 8 have both been amended to recite "creating a forecast of electric power consumption for a predetermined period of time using a computer system wherein the computer system is used in the creation of a forecast based on usage for a portion of the predetermined period of time." This predetermined time-dependant period can be any instantaneous (claims 5 and 11), chronological (claims 6 and 12) or non-chronological (claims 7 and 13) time period. This feature is supported by the Applicant's specification at least at page 10, lines 3-24. McNamara does not teach or suggest such time-dependent forecasts.

Further, the present invention can control usage on the basis of a unit or cost level as supported in the Applicant's specification at least in page 3, lines 23-27. McNamara teaches the control of utility demand solely on the basis of units of power, not cost.

Additionally, McNamara is a utility-centric system where the power company with a host computer located on its site, creates forecasts and handles all control

functions (Fig 2, also col. 2, lines 53-55). In the present invention, control of energy consumption may be accomplished by either the utility or the consumer as described in Applicant's specification at least in page 4 lines 7-8. Thus, the present invention allows the forecasting computer to be placed locally for the benefit of the consumer (Fig 9).

Neither McNamara et al., nor Young, nor any of the other cited references teach or suggest these specifications. Accordingly, the Applicant submits that independent claims 1 and 8 are now in condition for allowance. Claims 2-7 and 9-39 depend from patentable claims 1 and 8, and as such include all of the limitations of patentable claims 1 and 8, rendering them patentable also.

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CONCLUSION

Thus, in light of the above, having responded to each and every ground of rejection, Applicants respectfully request reconsideration and allowance of the pending claims in the above-mentioned application and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Robert R. Hunter

Dated: May 25, 2005


Robert R. Hunter

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this Response together with its attachment is being sent via Fax to (703) 872-9306 with the full transmission of 11 pages completed.

Date: May 25, 2005


Robert R. Hunter

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